

Modabberi, Case No. 09-38264-hdh13 (the "Bankruptcy Action"), currently pending before this Court.

3. In the State Court Action, the Debtor has asserted claims and causes of action against FSB for Breach of Contract and Business Disparagement in connection with FSB's alleged reporting of information regarding the Debtor to the national credit reporting agencies. Accordingly, the State Court Action is related to the Bankruptcy Action because any matters related to the Debtor's credit reports will impact the Debtor's Chapter 13 adjustment of debts and any plan filed in the Bankruptcy Matter.

II. REMOVAL

4. By this Notice, FSB hereby removes the State Court Action to this Court pursuant to 28 U.S.C. § 1452 and Federal Rule of Bankruptcy Procedure 9027.

5. Pursuant to 28 U.S.C. § 1452(a), "[a] party may remove any claim or cause of action in a civil action . . . to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title."

6. The State Court Action was pending in Dallas County, which is located within the boundary of the Dallas Division of the Northern District of Texas. Thus, removal of the State Court Action to this district and division is appropriate.

7. This Court has jurisdiction pursuant to 28 U.S.C. § 1334, as the proceeding arises in or is related to a case under Title 11.

8. The State Court Action, as removed, is a core bankruptcy proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (B), (D), and/or (O). In the event that any claim or cause of action asserted in the State Court Action is determined to be non-core, FSB consents to the entry of final orders by this Court with respect to such non-core claims and causes of action.

9. This Notice is accompanied by a copy of all process and pleadings filed in the State Court Action, attached hereto as the following:

- a. Exhibit "A": Index of Documents filed in the State Court Action, and the dates of filing thereof;
- b. Exhibit "B": Each document filed in the State Court Action, tabbed and arranged in chronological order according to the state court filing date.

10. This Notice is timely filed pursuant to Federal Rule of Bankruptcy Procedure 9027(a)(2).

11. A copy of this Notice, as filed in this Court, is also filed in the State Court Action. Pursuant to Federal Rule of Bankruptcy Procedure 9027(c), no further proceedings or actions shall be taken in the State Court Action.

WHEREFORE, FSB hereby removes the State Court Action from the County Court at Law No. 1, Dallas County, Texas to the United States Bankruptcy Court for the Northern District of Texas.

RESPECTFULLY SUBMITTED this 14th day of December, 2009

MUNSCH HARDT KOPF & HARR, P.C.

By: 

Gregory C. Noschese
State Bar No. 00797164
Lea N. Clinton
State Bar No. 24045018
Ye-Whei Peter Chen
State Bar No. 24065038

3800 Lincoln Plaza
500 N. Akard Street
Dallas, Texas 75201-6659
Tel: (214) 855-7500
Fax: (214) 855-7584

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December, 2009, a true and correct copy of the foregoing document has been served via CERTIFIED MAIL, return receipt requested, to the following:

Lif Esmael Modaberri
3883 Turtle Creek Blvd., No. 2010
Dallas, TX 75219
DEBTOR

Thomas Powers
125 E. John Carpenter Frwy., Suite 1100
Irving, TX 75062-2288
BANKRUPTCY TRUSTEE

Michael Payma
PAYMA, KUHNEL & SMITH, P.C.
1401 Elm Street, Suite 1800
Dallas, Texas 75201
(214) 999-0000
(214) 760-7028, Facsimile
ATTORNEY FOR PLAINTIFFS IN
THE STATE COURT ACTION



Ye-Whei Peter Chen

B104 (FORM 104) (08/07)


FILED

DEC 14 2009

TAWANKI NUMBER
BANKRUPTCY CLERK
NORTHERN DISTRICT OF TEXAS

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS :DALLAS UNLIMITED REAL ESTATE SOLUTIONS, INC., PROMPT PROFESSIONAL REAL ESTATE SERVICES, INC., and LIF MODABERRI	DEFENDANTS FIRST STATE BANK, MESQUITE			
ATTORNEYS (Firm Name, Address, and Telephone No.) Michael Payma, TSBN: 00790560 PAYMA, KUHNEL & SMITH, P.C.; 1401 ELM STREET SUITE 1800, DALLAS, TX 75202 (214) 999-0000	ATTORNEYS (If Known) Greg C. Noschese, TSBN: 00797164, Lea N. Clinton, TSBN: 24045018, Ye-Whei Peter Chen, TSBN: 24065038 MUNSCH HARDT KOPF & HARR P.C.; 500 N. AKARD 3800 LINCOLN PLAZA, DALLAS 75201 (214) 855-7500			
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Removal of a State Court Proceeding, Case No. CC-09-03970-A, before the County Court at Law No. 1 of Dallas County, Texas, pursuant to Rule 9027 of the Federal Rules of Bankruptcy Procedure.				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: right;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input checked="" type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: right;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input checked="" type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23		
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$		
Other Relief Sought				

B104 (FORM 104) (08/07), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES			
NAME OF DEBTOR LIF ESMAEL MODABERRI		BANKRUPTCY CASE NO. 09-38264-hdh13	
DISTRICT IN WHICH CASE IS PENDING NORTHERN DISTRICT OF TEXAS		DIVISION OFFICE DALLAS	NAME OF JUDGE JUDGE HALE
RELATED ADVERSARY PROCEEDING (IF ANY)			
PLAINTIFF	DEFENDANT		ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING		DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 			
DATE 14 Dec. 2009		PRINT NAME OF ATTORNEY (OR PLAINTIFF) Y. W. F. POEN CHER.	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS (DALLAS DIVISION)

In re:

LIF ESMAEL MODABBERI,

Debtor.

Case No.: 09-38264-hdh13

(Chapter 13)

DALLAS UNLIMITED REAL ESTATE
SOLUTIONS, INC., PROMPT
PROFESSIONAL REAL ESTATE
SERVICES, INC. and LIF MODABBERI,

Plaintiffs,

V.

FIRST STATE BANK, MESQUITE,

Defendant.

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FILED

DEC 14 2009

TAWANA C. MARSHALL, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ADVERSARY NO. _____

Removed from the County Court at Law
No. 1 for Dallas County, Texas
Cause No. CC-09-03970-A

DEFENDANT'S CERTIFICATE OF INTERESTED PERSONS

Defendant First State Bank, Mesquite files this Certificate of Interested Persons and would show the Court that the following persons and entities may have a financial interest in the outcome of the above-entitled and numbered cause:

1. Dallas Unlimited Real Estate Solutions, Inc.
2. Prompt Professional Real Estate Services, Inc.
3. Lif Modaberri
4. First State Bank, Mesquite

Respectfully submitted,

MUNSCH HARDT KOPF & HARR, P.C.

By: 

Gregory C. Noschese
State Bar No. 00797164
Lea N. Clinton
State Bar No. 24045018
Ye-Whei Peter Chen
State Bar No. 24065038

3800 Lincoln Plaza
500 N. Akard Street
Dallas, Texas 75201-6659
Tel: (214) 855-7500
Fax: (214) 855-7584

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December, 2009, a true and correct copy of the foregoing document has been served via CERTIFIED MAIL, return receipt requested, to the following:

Lif Esmael Modaberri
3883 Turtle Creek Blvd., No. 2010
Dallas, TX 75219
DEBTOR

Thomas Powers
125 E. John Carpenter Frwy., Suite 1100
Irving, TX 75062-2288
BANKRUPTCY TRUSTEE

Michael Payma
PAYMA, KUHNEL & SMITH, P.C.
1401 Elm Street, Suite 1800
Dallas, Texas 75201
(214) 999-0000
(214) 760-7028, Facsimile
ATTORNEY FOR PLAINTIFFS IN
THE STATE COURT ACTION


Ye-Whei Peter Chen

United States District Court
Northern District of Texas

FILED

DEC 14 2009

TAWANA C. MARSHALL, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

**Supplemental Civil Cover Sheet For Cases Removed
From State Court**

This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.

1. **State Court Information:**

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

Court

County Court at Law No. 1
Dallas County, Texas

Case Number

Cause No. CC-09-03970-A

2. **Style of the Case:**

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code.)

Party and Party Type

Plaintiffs Dallas Unlimited
Real Estate Solutions, Inc.,
Prompt Professional Real
Estate Services, Inc. and Lif
Modabberi

Defendant First State Bank,
Mesquite

Attorney(s)

Michael Payma
Payma, Kuhnelt & Smith, P.C.
1401 Elm Street, Suite 1800
Dallas, Texas 75201
(214) 999-0000

Gregory C. Noschese
State Bar No. 00797164
Lea N. Clinton
State Bar No. 24045018
Ye-Whei Peter Chen
State Bar No. 24065038
Munsch Hardt Kopf & Harr, P.C.
3800 Lincoln Plaza
500 N. Akard Street
Dallas, Texas 75201-6659
(214) 855-7500

3. **Jury Demand:**

Was a Jury Demand made in State Court? Yes _____ No X

If "Yes," by which party and on what date?

Party

Date

4. **Answer:**

Was an Answer made in State Court? Yes X No _____

If "Yes," by which party and on what date?

Defendant First State Bank, Mesquite
Party

6/17/09
Date

5. **Unserved Parties:**

The following parties have not been served at the time this case was removed:

Party

Reason(s) for No Service

None

6. **Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

Party

Reason

None

7. **Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

Party

Claim(s)

Plaintiffs Dallas Unlimited
Real Estate Solutions, Inc.,
Prompt Professional Real
Estate Services, Inc. and Lif
Modabberi

1. Breach of Contract
2. Business Disparagement